

The Honorable Theresa L. Fricke

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONNIE BARNES, SR.,

Defendant.

CASE NO. MJ18-5048

COMPLAINT for VIOLATION

18 U.S.C. § 2251(a), (e)

18 U.S.C. § 2252(a)(2), (b)(1)

BEFORE, The Honorable Theresa L. Fricke, United States Magistrate Judge, U.S.
Courthouse, Tacoma, Washington.

COUNT 1

(Production of Child Pornography)

Between in or about January 2017 and in or about February 2018, at Tacoma,
within the Western District of Washington, and elsewhere DONNIE BARNES, SR.,
knowingly employed, used, persuaded, induced, enticed, and coerced MV1, a minor, to
engage in sexually explicit conduct, and attempted to do so, for the purpose of producing
a visual depiction of such conduct and transmitting any live visual depiction of such
conduct, knowing or having reason to know that such visual depiction would be
transported and transmitted using any means or facility of interstate and foreign

1 commerce, such visual depiction was transported and transmitted using any means or
2 facility of interstate and foreign commerce and in and affecting interstate and foreign
3 commerce, and such visual depiction was produced using materials that had been mailed,
4 shipped, and transported in interstate and foreign commerce.

5 All in violation of Title 18, United States Code, Section 2251(a), (e).

6 **COUNT 2**

7 **(Distribution of Child Pornography)**

8 In or about February 2018, at Spanaway, within the Western District of
9 Washington, and elsewhere, DONNIE BARNES, SR., did knowingly distribute, and
10 attempt to distribute, visual depictions, the production of which involved the use of
11 minors engaging in sexually explicit conduct, and the visual depictions were of such
12 conduct, using any means and facility of interstate and foreign commerce and which
13 images had been mailed and shipped and transported in and affecting interstate and
14 foreign commerce by any means, including by computer.

15 All in violation of Title 18, United States Code, Section 2252(a)(2), b)(1).

16 And the Complainant states that this Complaint is based on the following
17 information:

18 I, Reese Berg, being first duly sworn on oath, depose and say:

19 **I. INTRODUCTION**

20 1. I am an investigative or law enforcement officer of the United States within
21 the meaning of Title 18, United States Code, Section 2510(7). I am currently employed
22 as a Special Agent with Homeland Security Investigations (HSI). I have been a federal
23 law enforcement officer for over 14 years. I have investigated and/or participated in
24 investigations involving narcotics smuggling, human trafficking/smuggling, firearms
25 trafficking, child pornography, child exploitation, marriage fraud and international
26 criminal gangs. I have also held positions in law enforcement as a Military Police Officer
27 and Military Police Investigator with the U. S. Army for over 20 years. I am a graduate
28 of the 9-week Criminal Investigator Training Program as well as the Immigration and

1 Customs Enforcement Special Agent Training program at the Federal Law Enforcement
2 Training Center in Glynnco, Georgia. I am currently assigned as a Special Agent with HSI
3 Seattle, where my duties include child exploitation and child pornography investigations.
4 I have participated in more than thirty child exploitation or child pornography
5 investigations, and have worked extensively with other investigators involved in these
6 types of investigations.

7 2. As further detailed below, based on my investigation and the investigation
8 of other law enforcement officers, I believe there is probable cause to conclude that
9 DONNIE BARNES, SR., has committed the offenses charged in Count 1 and Count 2 of
10 this Complaint--namely, production of child pornography in violation of 18 U.S.C.
11 § 2251(a), (e) and distribution of child pornography in violation of 18 U.S.C.
12 § 2252(a)(2), (b)(1).

13 3. The facts set forth in this complaint are based on my own personal
14 knowledge; knowledge obtained from other individuals during my participation in this
15 investigation, including other law enforcement officers; review of documents and records
16 related to this investigation; communications with others who have personal knowledge
17 of the events and circumstances described herein; and information gained through my
18 training and experience.

19 4. Because this complaint is offered for the limited purpose of establishing
20 probable cause, I list only those facts that I believe are necessary to support such a
21 finding. I do not purport to list every fact known to me or others as a result of this
22 investigation.

23 II. SUMMARY OF INVESTIGATION

24 5. In February 2018, HSI Cyber Crimes Center (C3) Child Exploitation
25 Investigations Unit (CEIU) received a referral from the Queensland, Australia, Police
26 Service (QPS), and that lead was referred to the HIS Seattle field office on February 22,
27 2018. The referral reported that the user of the account, TICK10TO12TOCK, had posted
28 photos of a young female child to an album on a foreign public photo-sharing website.

1 The foreign public photo-sharing website is known to me and other child exploitation
2 investigators as a well-known online venue for pedophiles to communicate with each
3 other and post/share albums of photos depicting children engaged in sexually explicit
4 conduct. The profile indicated that TICK10TO12TOCK had been registered with the
5 website since August 3, 2017.

6 6. On or about February 11, 2018, a QPS Officer working in an undercover
7 (UC) capacity noticed a suspicious album on the foreign public photo-sharing website,
8 and posted a comment to a photo that user TICK10TO12TOCK posted. The photo was
9 in an album containing eleven other photos, all of which appeared to be of a young
10 female. The QPS Officer commented, "oh wow, this is heaven! is this your own work?"
11 User TICK10TO12TOCK replied less than two hours later, "Yes it is." The photo in
12 question, "IMG_1509.JPG", was posted by TICK10TO12TOCK along with several other
13 photos that all appear to show the same young girl..

14 7. I reviewed the file "IMG_1509.JPG," which is a close-up photo of the
15 genital area of what appears to be a prepubescent female, MV1. MV1 is lying face down
16 with a gray blanket partially between her legs and wearing blue panties. The panties
17 appear to be manipulated as if they are being pulled to the right to expose the buttocks
18 and genital area of MV1. A portion of the genital area is visible, and I could see no pubic
19 hair. This photo appears to be the second in a series of three photos posted by the user
20 above. I also reviewed the other two photos, "IMG_1508.JPG" and "IMG_1510.JPG,"
21 each of which appear to depict the same child but from a slightly farther view, and show
22 MV1's underwear is in place. MV1 appears to be wrapped in the same gray blanket as
23 seen in "IMG_1509.JPG", with the portion of the blanket that would have been covering
24 her buttocks area pulled upward.

25 8. On or about February 12, 2018, the QPS Officer received an email in reply
26 to his comment on the photo. The email was from **dobsr@me.com**, and the name
27 associated with the email was "Donnie Barnes". Below is the email exchange that
28 followed:

1 **Donnie Barnes dobsr@me.com** – *She's my sweet little toy.*

2 **QPS Officer** – *sorry mate, who are you on [foreign public photo-sharing website]*

3 **Donnie Barnes dobsr@me.com** – *Tick10to12tock*

4 **QPS Officer** – *ah yes, ticktock!! what a great name to come up with. i love it.*

5 *love your toy too! ile bet she tastes devine. please tell me more as I love to wank*
6 *to stories*

7 *i have a 11yo step dau myself but just startin off with her as i only met her mother*
8 *online a month ago*

9 *just stealin some panties of hers to start off with & introducing her to french*
10 *kissing*

11 *i don't do fantasys either so please be up front if she aint yours*
12 *thanks*

13 *alex*

14 **Donnie Barnes dobsr@me.com** – *She is also my step daughter. She is 11 and*
15 *very sexy. And very flirty. She is fun to play with. I can't tell stories right now*
16 *but I will later on. Do you have a pic of your toy?*

17 **QPS Officer** – *ime at work now so cant send pics. i do have her panties though :)*
18 *would love to go wank over her in the stall i my meal break. you ok with that?*
19 *you got any pics to send?*

20 (NOTE - with this response, the QPS UC Officer attached three photos of soiled
21 kid's panties)

22 **Donnie Barnes dobsr@me.com** – *Sounds fun to me.*

23 **QPS Officer** – *you got any more pics of her I can dribble some cum off? :)*

24 *are you on any tor boards at all? ive been a member for a while now*

25 *alex*

26 9. With each email from Donnie Barnes, dobsr@me.com, a footer to the email
27 accompied it stating it was "Sent from my iPhone."
28

1 10. The QPS Officer obtained a list of IP logins for the account from the
2 foreign public photo-sharing website, which revealed that on numerous occasions
3 between August 3, 2017, and February 20, 2018, the user TICK10TO12TOCK logged
4 into the site. On October 3, 2017, at 11:00 (GMT), the user logged into the site utilizing
5 the IP address 97.126.88.78 and again on February 20, 2018, at 13:45 (GMT) using IP
6 address 73.140.63.12.

7 11. On February 21, 2018, HSI Intelligence Research Specialist (IRS) Lauren
8 Morris issued a summons to CenturyLink requesting subscriber information for IP
9 address 97.126.88.78 on October 3, 2017, at 11:00 (GMT).

10 12. On or about February 21, 2018, CenturyLink responded that IP address
11 97.126.88.78 was dynamically assigned, and on October 3, 2017, at 11:00 (GMT) was
12 assigned to a subscriber at a residence in Tacoma, Washington.

13 13. On February 21, 2018, IRS Lauren Morris issued a summons to Comcast
14 requesting subscriber information for IP address 73.140.63.12 on February 20, 2018, at
15 13:45 (GMT).

16 14. On or about February 21, 2018, Comcast responded that IP address
17 73.140.63.12 was dynamically assigned, and on February 20, 2018, at 13:45 (GMT) was
18 to K.T. at 100 174th St. S., Spanaway, Washington (the SUBJECT PREMISES). The
19 account number was XXXXXXXXXXXXX3402, and the service was established on an
20 unknown date. The email user id for the account was **dobsr@comcast.net**.

21 15. Further investigation revealed that K.T. resided at the SUBJECT
22 PREMISES with DONNIE BARNES, SR.

23 16. March 2, 2018, I appeared before U.S. Magistrate Judge Theresa L. Fricke
24 and obtained search warrants for the SUBJECT PREMISES and BARNES's person.

25 17. Joined by a team of state and local law enforcement, I executed those
26 warrants in the early morning of March 6, 2018. Upon entering the SUBJECT
27 PREMISES, I encountered BARNES and asked if he would agree to speak with law
28 enforcement.

18. HSI SA Ensley and I then interviewed BARNES. SA Ensley advised BARNES of his constitutional rights and confirmed that he understood them and was still willing to speak with us. In a recorded interview, BARNES then provided the following information. He acknowledged being the user of the foreign photo-sharing website who communicated with the QPS UC in February 2018 and posted the images described above. SA Ensley showed BARNES the photo of MV1 in which her genitals were exposed to the camera, and BARNES acknowledged taking that photo while MV1 slept. BARNES stated that he had taken all of the photos of MV1 he shared on the foreign photo-sharing website in February 2018 and that he has taken a number of other sexually explicit photos of MV1 over the preceding months.

19. Law enforcement agents spoke with MV1's mother, who confirmed she is 11 years old.

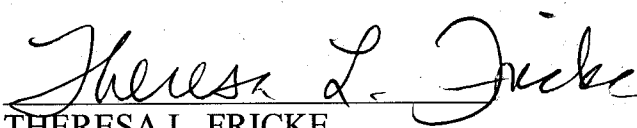
III. CONCLUSION

20. Based on the above facts, I believe that there is probable cause to conclude that DONNIE BARNES, SR., committed the offenses charged in this Complaint.


 REESE BERG, Complainant, Special Agent
 Department of Homeland Security
 Homeland Security Investigations

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the Defendant committed the offenses set forth in the Complaint.

DATED this 6th day of March, 2018.


 THERESA L. FRICKE
 United States Magistrate Judge